

Central Virginia Legal Aid Society

Intake Assistant Immediate Advice / Attorney Call Back Hotline

Intake Training Manual

February 2007

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(1) Intake Hours: Regular telephone intake is Monday through Thursday, 9:00 a.m. - 11:30 a.m. and 1:00 p.m. - 2:30 p.m. For emergency cases, domestic violence cases, and cases for clients over 60 years of age, telephone intake is Monday through Friday, 9:00 a.m - 5:00 p.m.

(2) Eligibility Requirements: Applicants seeking assistance from CVLAS must qualify according to income, resources, citizenship, type of case, and service area.

(3) Income:

- (a) Up to 125 % of poverty – eligible without deductions.
- (b) More than 125 % and up to 187½ % of poverty – eligible only with deductions.
- (c) More than 187½ % of poverty – absolutely ineligible (see exceptions below).

(4) Sources of income:

(a) Employment: Gross income is counted. We do not deduct taxes, Social Security, or other withholdings (except garnishments are deducted below).

If paid weekly, enter weekly income.

If paid every two weeks, divide by two and enter weekly income.

If paid twice a month, multiply by two and enter monthly income.

If paid monthly, enter monthly income.

If paid annual salary, enter yearly income.

(b) Public assistance: Count Social Security, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), General Assistance, Unemployment compensation, Workers' compensation, Veterans Affairs (VA) benefits, and Black Lung benefits. ***Do not enter income as "disability."***

Do not count Food Stamps, Fuel Assistance, and Cooling Assistance as income.

(c) Other income: Count child support, spousal support, retirement, pensions, other disability benefits, interest payments, trust fund payments, money given by family members to help out, *etc.*

(5) Deductions:

(a) Back taxes – Regular payments on back taxes.

(b) Child care – Actual cost of employment-related child care.

(c) Child support – Amount currently paid by court order, wage assignment or voluntarily.

(d) Garnished wages – Amount currently being garnished.

(e) Medical expenses – Unreimbursed medical expenses, *e.g.* for hospitals, nursing homes, doctors, dentists, psychologists, counselors, therapists, prescriptions, necessary medical aids, home health care, *etc.*

(f) Transportation – Actual cost to & from work, *e.g.* gas, parking, tolls, bus tickets, *etc.*

CENTRAL VIRGINIA LEGAL AID SOCIETY, INC. (effective 1/30/2007)

2007 federal poverty guidelines – 125 % of poverty – income eligible without deductions

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$245.43	\$1,063.54	\$12,762.50
2	\$329.09	\$1,426.04	\$17,112.50
3	\$412.74	\$1,788.54	\$21,462.50
4	\$496.39	\$2,151.04	\$25,812.50
5	\$580.05	\$2,513.54	\$30,162.50
6	\$663.70	\$2,876.04	\$34,512.50
7	\$747.36	\$3,238.54	\$38,862.50
8	\$831.01	\$3,601.04	\$43,212.50
each additional	+\$83.65	+ \$362.50	+ \$4,350.00

2007 federal poverty guidelines – 187½ % of poverty – income eligible only with deductions

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$ 368.15	\$1,595.31	\$19,143.75
2	\$ 493.63	\$2,139.06	\$25,668.75
3	\$ 619.11	\$2,682.81	\$32,193.75
4	\$ 744.59	\$3,226.56	\$38,718.75
5	\$ 870.07	\$3,770.31	\$45,243.75
6	\$ 995.55	\$4,314.06	\$51,768.75
7	\$1,121.03	\$4,857.81	\$58,293.75
8	\$1,246.51	\$5,401.56	\$64,818.75
each additional	+ \$125.48	+ \$543.75	+ \$6,525.00

Income Deductions:

- 1) Back taxes – Regular payments on back taxes
- 2) Child care – Actual cost of employment-related child care
- 3) Child support – Amount currently paid by court order, wage assignment or voluntarily
- 4) Garnished wages – Amount currently being garnished
- 5) Medical expenses – Unreimbursed medical expenses, *e.g.* for hospitals, doctors, prescriptions
- 6) Transportation – Actual cost to & from work, *e.g.* gas, parking, tolls, bus tickets

Resource Eligibility:

- 1) Liquid – cash, checking, savings, CDs, stocks, bonds - \$2,000 for one, \$3,000 for more than 1
- 2) Non-liquid – Family residence and one motor vehicle do not count. Equity in additional homes and additional motor vehicles cannot exceed \$10,000 total.

(6) Resources (see exceptions below):

- (a) Liquid – \$2,000 for one in household, \$3,000 for more than one in household.
- (b) Non-liquid – Household residence and one motor vehicle do not count. Equity in additional homes and motor vehicles must be no more than \$10,000 total.
- (c) Executive Director may waive resource limit in cases of exceptional merit.
- (d) Resource limit automatically waived for all referrals from Legal Information Network for Cancer (LINC).

(7) Eligibility for Senior Citizens (across entire service area):

- (a) Anyone 60 years of age or older is eligible for, at least, advice or brief service. Advice or brief service does not include Wills, Powers of Attorney, Living Wills, Medical Powers of Attorney, or no-fault divorces.
- (b) Anyone 60 years of age or older, who is not eligible under LSC guidelines, will be an OAA client. Check “OAA Only” box on Eligibility Page.
- (c) CVLAS may provide more than advice or brief service to OAA applicants only when ***all three*** of the following things are true:
 - (i) The applicant has \$4,000 or less in liquid assets, and
 - (ii) The applicant has \$15,000 or less in non-liquid assets, and
 - (iii) The applicant does not have reasonable access to a private attorney.

(8) Eligibility for Victims of Domestic Violence (across entire service area):

Income eligible for advice, brief service, or extended service up to 200% of poverty.

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$ 392.69	\$1,702.00	\$20,420.00
2	\$ 526.54	\$2,282.00	\$27,380.00
3	\$ 660.38	\$2,862.00	\$34,340.00
4	\$ 794.23	\$3,442.00	\$41,300.00
5	\$ 928.08	\$4,022.00	\$48,260.00
6	\$1,061.92	\$4,602.00	\$55,220.00
7	\$1,195.77	\$5,182.00	\$62,180.00
8	\$1,329.62	\$5,762.00	\$69,140.00
each additional	+ \$133.85	+ \$580.00	+ \$6,960.00

(9) Eligibility for Evacuees from Hurricane Katrina (across entire service area):

- (a) No eligibility preclusion for advice or brief service.
- (b) Income eligible for extended service up to 200% of poverty.

(10) Citizenship: CVLAS can only provide services to non-U.S. citizens who:

- (a) Have permanent resident status (have a green card).
- (b) Have a Work Visa.
- (c) Are married to U.S. citizen or parent of U.S. citizen or unmarried, under age 21 & child of U.S. citizen, and applied for permanent resident status & not been rejected.
- (d) Were admitted as a refugee, granted asylum, or granted withholding from a deportation order.
- (e) Applicant or applicant's child has been battered or subjected to extreme cruelty in the U.S. and applicant is seeking assistance necessary to assist the victim from an abusive situation or ameliorate the current effect of the abuse or protect against future abuse. The legal assistance includes, but is not limited to, obtaining civil protection order, divorce, child custody, child and spousal support, housing, public benefits, employment, abuse/neglect, juvenile proceedings, small claims cases, contempt actions.

(11) Type of case: CVLAS provides legal advice on most areas of civil law and legal representation in some areas of civil law. CVLAS does not accept the following cases:

- Adult abuse that is not domestic violence related (unless 60 or older; otherwise, refer to Adult Protective Services)
- Business establishments or corporations
- Criminal cases, including post-conviction relief
- Copyright or patent law
- Disputes between neighbors
- Education/School issues other than student loans (refer to University of Richmond School of Law – Youth Advocacy Clinic – 804-289-8921)
- Employers against employees
- Cases involving financial remedy
- Harassment, other than job, Landlord-Tenant, or domestic violence related
- Immigration cases
- Juvenile offenses
- No Landlords
- Medical, or other professional, malpractice
- Military related issues
- Personal injury cases
- Real estate (however, will advise Senior Citizens)
- Representation of prisoners
- Slander or other defamation cases, other than job or Landlord-Tenant related
- Tax cases (refer to Community Tax Law Project – 804-358-5855)
- Traffic cases

- Veterans Benefits (refer to the Virginia Department of Veterans Services – 804-786-2261 or 434-295-2782)
- Workers' compensation cases (unless they are migrant farmworkers; otherwise, refer to private bar and Virginia Workers' Compensation Commission 1-877-664-2566)

(12) Service area: CVLAS gives advice and representation to low income people who live in, or who have legal problems in:

- (a) Cities of Charlottesville, Colonial Heights, Hopewell, Petersburg and Richmond.
- (b) Counties of Albemarle, Charles City, Chesterfield, Dinwiddie, Fluvanna, Goochland, Greene, Hanover, Henrico, Louisa, Nelson, New Kent, Powhatan, Prince George, and Surry.

If an applicant lives outside the service area, but has a legal problem in our service area, do the intake.

If an applicant has a legal problem outside our service area, find out the county or city where the legal problem is located, and have the applicant directly contact the legal aid program which serves that area. You can find the proper legal aid program at LSC's website – <http://www.rin.lsc.gov/rinboard/rguide/pdir1.htm>.

If the other legal aid program will not do the intake without a referral, or needs a referral after doing the intake, CVLAS will provide a referral.

(13) Household size: Under LSC regulations, CVLAS may define "household" in any reasonable manner, and may consider living arrangements, family arrangements, financial responsibility, and family unit definitions used by government benefit agencies. LSC regulations also require that in domestic violence cases, we consider only income & resources of the victim (and victim's household), and not income & resources of the abuser (and abuser's household).

General Rule: CVLAS counts the income and resources of all persons in the household, that is, all persons living in the same residence. **Exceptions below:**

- (a) Transients: If the applicant has been living in the residence for a short period of time (several weeks, but not several months) and has firm plans to leave the residence within a short period of time (several weeks, but not several months), count only the income & resources of the transient (and transient's household).
- (b) Separate Household: The following situations are a separate household:
 - (i) The applicant (and household) receives Food Stamps or TANF as a separate household from others in the residence
 - (ii) The applicant (and household) buys and prepares food separately from others in the residence.
 - (iii) The applicant (and household) regularly pays rent to others in the residence.

- (c) Domestic Violence Victims: In assessing the income & resources of the victim, consider only the income & resources of the victim (and victim's household).

Do not count the income & resources of the abuser (and abuser's household).

Do not consider any resources held jointly between the victim (and victim's household) and the abuser (and abuser's household).

(14) Conflicts of Interest: While no comprehensive definition of conflict of interest is possible, the following two situations generally are recognized as conflicts of interest:

Situation #1: A conflict of interest arises when **all three** of the following are true:

- (a) CVLAS represented or advised one party (the first party) to a legal dispute, and
- (b) CVLAS later is contacted by the other party (the prior adverse party), and
- (c) The current request for legal aid by the prior adverse party involves the same legal matter in which CVLAS previously represented or advised the first party.

If the current request for legal aid by the prior adverse party does not involve the same legal matter in which CVLAS previously represented or advised the first party, a conflict of interest does not arise.

Situation #2: A conflict of interest arises when **both** of the following are true:

- (a) CVLAS is contacted by a current applicant, and
- (b) CVLAS previously represented, advised or did an intake on an adverse party (or any other party) who is involved in the current legal matter.

Conflicts of interest may be referred to attorney John M. Oakey, Jr. (804-755-4336) for advice only.

(15) Duplicate Intakes: A duplicate intake arises when **all four** of the following are true:

- (a) The request comes from the same person, and
- (b) The request involves the same legal problem (same legal problem code),
- (c) The request involves the same adverse party, and
- (d) The request comes in the same calendar year that the prior intake was ***opened***. This means it is not a duplicate if the prior intake was closed in the same calendar year but opened in a prior calendar year.

If **all four** things are true, re-open the closed intake and add to the Case Notes.

Otherwise, enter a new intake with a new case number.

(16) Emergencies: While no comprehensive definition of emergency intake is possible, the following generally are recognized as emergencies:

- (a) Applicant has recent papers from a court, government agency or subsidized landlord that require a response within four (4) business days.
- (b) Applicant has a court or administrative hearing within four (4) business days.
- (c) Applicant has a legal deadline within four (4) business days.
- (d) Applicant has a lockout, utility shutoff, or self-help eviction.
- (e) Applicant has impending non-judicial foreclosure within ten (10) calendar days.
- (f) The applicant has a recent (within the past three calendar days) incident of serious domestic violence (act or threat resulting in injury or reasonable fear of injury).

Emergencies need to be brought to the attention of the emergency attorney of the day as soon as possible.

(17) Homeless: Homeless people in Richmond will be immediately referred for walk-in intake at LAJC – Richmond, 123 East Broad Street, Richmond, VA. 23219, 804-643-1086.

(18) CVLAS / LAJC:

Intakes involving Richmond Redevelopment & Housing Authority should be told to contact the Legal Aid Justice Center – Richmond at 804-643-1086. This includes the following conventional public housing developments:

- (a) Afton Avenue - Mgt. Office - 1500 Harwood Street -804-780-8800
- (b) Bainbridge - 28th / Moody/ Bainbridge - Mgt. Office - 1500 Harwood Street - 804-780-8800
- (c) Creighton Court - Mgt. Office - 2101 Creighton Road -804-780-4873
- (d) Dove Apartments - Dove Street / First Avenue - Mgt. Office - 2506 Phaup Street - 804-780-4910
- (e) Fairfield Court - Mgt. Office - 2506 Phaup Street -804-780-4910
- (f) Frederic A. Fay Towers - 1202 North 1st Street - 804-780-4806
- (g) Fulton – Government Road / Scher Road - Mgt. Office - 2101 Creighton Road - 804-780-4873
- (h) Gilpin Court - Mgt. Office - 1000 St. John Street - 804-780-4756
- (i) Hillside Court - Mgt. Office - 1500 Harwood Street - 804 -780-8800
- (j) Melvin C. Fox Manor - 18-A West 27th Street - 804-780-4804
- (k) Mosby Court - Mgt. Office - 1543 Coalter Street - 804-789-4901
- (l) Oscar Stovall Place - Mgt. Office- 1500 Harwood Street - 804-780-8800
- (m) Overlook and Mimosa - Mgt. Office - 1500 Harwood Street -804-780-8800
- (n) Randolph Apartments - Mgt. Office - 2302 Carmine Street - 804-780-4889

- (o) Whitcomb Court - Mgt. Office - 2302 Carmine Street - 804-780-4889
- (p) 1200 Decatur Street - 804-780-8814
- (q) 2700 Idlewood Avenue - 804-780-8725
- (r) 1611 4th Avenue - 804-780-4791
- (s) 1920 Stonewall Place - 804-780-8810
- (t) 3900 Old Brook Circle - 804-780-4798
- (u) 700 South Lombardy Street - 804-780-8741
- (v) 300 South Randolph Street - 804-780-8727
- (w) Group Home - 800 Ordway Avenue

Intakes involving Petersburg Redevelopment & Housing Authority should be told to contact the Legal Aid Justice Center – Petersburg at 804-862-2205. This includes the following conventional public housing developments:

- (a) Pin Oaks Apartments - Surry Avenue - 804-733-2240
- (b) Pecan Acres - Pecan Street - 804-733-2240
- (c) Sycamore Towers - Sycamore Street - 804-733-2248

Intakes involving Charlottesville Redevelopment & Housing Authority should be done by CVLAS and then referred to the Legal Aid Justice Center – Charlottesville at 434-977-0553 or 1-800-578-8111 (toll free). This includes the following conventional public housing developments:

- (a) Crescent Hall - 500 South 1st Street
- (b) Madison Avenue - 1609 - 1625 Madison Avenue
- (c) Michie Drive - 2021 - 2025 Michie Drive
- (d) Riverside - 309 - 323 Riverside Avenue
- (e) Sixth Street - 707 - 713 6th Street, S.E.
- (f) South First Street - 900 - 1000 South 1st Street
- (g) Elsom Street
- (h) Hinton Avenue
- (i) Monticello Avenue
- (j) Ridge Street

(19) Attorney Call Back Hotline / Intake Assistant Immediate Advice:

CVLAS operates an attorney call back hotline along with an Intake Assistant immediate advice system. The attorney call back system generally handles cases that are less time sensitive. Cases that are more time sensitive are handled by Intake Assistant immediate advice.

Attorney call backs are scheduled for Mondays from 2:00 p.m. - 4:30 p.m. (2 attorneys @ 8 calls each), Wednesdays from 6:00 p.m. - 8:00 p.m. (2 attorneys @ 5 calls each), Thursdays from 2:00 p.m. - 4:30 p.m. (2 attorneys @ 8 calls each).

Attorney call backs may be scheduled for any eligible applicant across the entire service area.

What goes on the attorney call back hotline:

(a) Consumer cases that are:

- (i) *Not* bankruptcy.
- (ii) *Not* current garnishment.
- (iii) *Not* current attachment or levy.
- (iv) *Not* a car case
- (v) A court case where a hotline call back is available before the hearing date.
- (vi) All other consumer law cases.

(b) Family cases that are:

- (i) *Not* domestic violence.
- (ii) *Not* an interstate family law case.
- (iii) A court case where a hotline call back is available before the hearing date.
- (iv) All other family law cases.

(c) Conflicts of Interest: *In any case where an applicant has a conflict of interest, you may refer them to attorney John M. Oakey, Jr. (804-755-4336) for advice only.*

What is handled by intake assistant immediate advice (does not go on attorney call back hotline):

(a) Consumer cases that:

- (i) *Are* bankruptcy.
- (ii) *Are* current garnishment.
- (iii) *Are* current attachment or levy.
- (iv) *Are* a court case where a hotline call back is **not** available before the hearing date.

(b) Employment cases: All, including:

- (i) Wage claims.
- (ii) Employment termination.
- (iii) Wrongful discharge.
- (iv) Employment discrimination.
- (v) Family & Medical Leave Act (FMLA) cases.

(c) Family law cases that:

- (i) *Are* domestic violence.
- (ii) *Are* an interstate family law case.
- (v) *Are* a court case where a hotline call back is **not** available before the hearing date.

- (d) Housing cases: All, except for conventional public housing intakes involving Richmond Redevelopment & Housing Authority, Petersburg Redevelopment & Housing Authority, and Charlottesville Redevelopment & Housing Authority.

Housing cases include, but are not limited to, the following:

- (i) Evictions
- (ii) Lease terminations
- (iii) Lease violations
- (iv) Other issues involving leases
- (v) Repair and maintenance problems
- (vi) Security deposits
- (vii) Eligibility for subsidized housing – unit-based & tenant-based (vouchers)
- (viii) Amount of subsidized rent
- (ix) Termination of vouchers
- (x) Other voucher issues
- (xi) Foreclosures
- (xii) Fair housing

- (e) Public benefit cases: All, including:

- (i) Food Stamps.
- (ii) TANF.
- (iii) General Relief.
- (iv) Social Security.
- (v) Supplemental Security Income (SSI).
- (vi) Unemployment compensation.
- (vii) Veterans benefits.
- (viii) Workers' compensation.
- (ix) Medicare.
- (x) Medicaid.
- (xi) Overpayment of any public benefit.

- (f) Elderly law cases: All, including:

- (i) Wills.
- (ii) Powers of Attorney.
- (iii) Living Wills.
- (iv) Medical Powers of Attorney
- (v) Guardianship/Conservatorship.

- (g) Cases where applicant already has been advised either by an attorney or by an intake assistant.

(20) Intake Routing. After the Intake Assistant finishes the intake, cases will be routed as per the following chart:

<u>Intake Routing (effective 1/22/2007)</u>	<u>Richmond</u>	<u>Petersburg</u>	<u>Charlottesville</u>
<u>Bankruptcy case</u>	Marty	Marty	Marty
<u>Garnishment / Levy case</u>	Marty	Marty	Lily
<u>Consumer case – car case (w/ or w/out court date)</u>	Marty	LAJC #	Victoria/Lily
<u>Consumer case w/ court date before ^{Freddie's} hotline avail</u>	Emerg Atty	Emerg Atty	Lily
<u>Consumer case w/ court date after hotline avail</u>	Hotline	Hotline	Lily
<u>Consumer case without court date</u>	Hotline	Hotline	Victoria/Lily/PAI
<u>Education case</u>	LAJC #	LAJC #	LAJC
<u>Employment case (including unemployment comp)</u>	Marty	Marty	LAJC
<u>Uncontested no-fault divorce case</u>	Kathy/PAI	Kathy/PAI	Kathy/PAI
<u>Domestic violence case</u>	Anne/Marilynn	Michelle/Sarah	See Note #1 Rock House
<u>Interstate family law case</u>	Marty	Marty	Marty
<u>Family law case w/ court date before ^{custody/visitation, support, contested divorce – no DV} hotline avail</u>	Emerg Atty	Emerg Atty	Lily/Robin
<u>Family law case w/ court date after hotline avail</u>	Hotline	Hotline	Lily/Robin
<u>Family law case without court date</u>	Hotline	Hotline	Victoria/PAI
<u>Housing case (public housing run by PHA)</u>	LAJC #	See Note #2 LAJC #	LAJC
<u>Housing case – foreclosure</u> ^{– huge increase}	Henry/Emerg Atty	Henry/E.A.	Henry/E.A.
<u>Housing case – all others</u>	Marty	Marty	Lily
<u>Public benefits – all</u>	Freddie	Freddie	LAJC
<u>Elder law – Wills</u>	Natasha/PAI	Crater	Charo/PAI
<u>Elder law – POAs & Advance Directives</u>	Marty	Crater	Charo/PAI
<u>Elder law – all others</u>	Freddie	Freddie	See Note #3 LAJC or Lily

Horton
William

Notes:

#1 - Routing for “Domestic Violence intakes” for the Charlottesville area is as follows:

- (a) First time DV applicants where the DV took place in City of Charlottesville or Albemarle, Fluvanna or Greene Counties will be given the phone number for the Hunton & Williams *Pro Bono* Partnership Office in Charlottesville (434-220-3111) and advised to contact them.
- (b) First time DV applicants where the DV took place in Louisa or Nelson County will have an intake done and be reviewed by Robin or Lily. E-mail both Robin and Lily with the client’s name and case number.
- (c) Second time DV applicants where the DV took place in City of Charlottesville or Albemarle, Fluvanna or Greene Counties will have an intake done and be reviewed by Robin or Lily. A second time DV applicant means the person already has contacted the Rock House and been denied representation. E-mail both Robin and Lily with the client’s name and case number.

#2 - In the Petersburg area, applicants who live in conventional public housing run by a Public Housing Authority (PHA) or whose adverse party is Hudson Properties will be given the phone number for LAJC - Petersburg (804-862-2205) and advised to contact them.

#3 - Routing for “Elder Law intakes - all others” for the Charlottesville area is as follows:

- (a) Applicants with: (i) nursing home emergencies (such as quality of care issues, threatened nursing home discharge, or questions about resident rights or family member rights), (ii) denials or terminations of Medicaid, (iii) abuse or neglect of those 60 or older, or (iv) lawsuits by nursing homes against residents or family members will have an intake done and referred to LAJC - Charlottesville. The intake will be closed as rejected by referral to LAJC and will not be reviewed by any CVLAS attorney. CVLAS will rely on LAJC to provide legal assistance to these applicants to the extent possible.
- (b) Applicants with other Elder Law issues will have an intake done and be reviewed by Lily. E-mail Lily with the client’s name and case number.

#4 - For intakes marked “LAJC #,” the applicant will be given the phone number for the appropriate LAJC office (804-643-1086 – Richmond or 804-862-2205 – Petersburg) and advised to contact them.

#5 - For intakes marked “LAJC,” the intake will be done and referred to the appropriate office of LAJC. The intake will be closed as rejected by referral to LAJC and will not include any review by a CVLAS attorney. CVLAS will rely on LAJC to provide legal assistance to those applicants to the extent appropriate.

#6 - For intakes marked “**Crater**,” the applicant will be provided the phone number for the Crater Area Agency on Aging (804-732-7020), and will be advised to contact them.

#7 - **Spanish** speaking intakes go first to Charo, and then to Marina if Charo is not available, except if it is a domestic violence intake from Richmond or Petersburg, in which case it goes to Marina, who will get assistance from Anne.

#8 - **Non U.S. citizens** who do not qualify for CVLAS services will be provided the phone number for the appropriate LAJC office (804-643-1086 – Richmond or 804-862-2205 – Petersburg or 434-977-0553 – Charlottesville) and advised to contact them.

#9 - **Emergency** intakes continue to go to the Emergency Attorney of the day.

When an intake is referred to LAJC, the intake should be transferred from the CVLAS Kemp’s Prime database to the Kemp’s Prime “container.” An E-mail also should be sent to a designated person at the LAJC office in Richmond (gloria@justice4all.org), Petersburg (delphine@justice4all.org) or Charlottesville (liz@justice4all.org & dori@justice4all.org).

Referrals from CVLAS to LAJC occur two different ways:

A. The intake assistant closes the case as rejected and refers the case to LAJC without any review by a CVLAS attorney. The majority of referrals to LAJC – Charlottesville (consumer, education, employment, public housing, public benefits, and elder law cases) are done in this manner.

B. A CVLAS attorney reviews the case, determines it is not time sensitive and can wait at least one week before any legal action needs to be taken, and refers it to LAJC. The majority of referrals to LAJC - Richmond and LAJC - Petersburg (employment and housing cases) are done in this manner.

Intake assistants provide immediate “pre-approved” legal advice in bankruptcy, employment and housing cases, because these cases generally are more time sensitive.

Hotline and CVLAS attorneys provide non-immediate legal advice in consumer, family, public benefits and elder law cases, because these cases generally are less time sensitive.

(21) Objectives

- (a) The response time should vary from immediate to a few days at the most.
- (b) Conflicts of interest should be identified early in the process.
- (c) Individual advice should be directly tailored to the client.
- (d) Documentation must be made of information obtained from, and advice given to, each client.
- (e) Records must be maintained on which staff is handling an intake at all times.
- (f) Applicants should know within a reasonable time whether they will be helped, and the level of assistance they will receive.

CENTRAL VIRGINIA LEGAL AID SOCIETY, INC.



1000 Preston Ave, Suite B	P.O. Box 12206	2006 Wakefield Street
Charlottesville, VA 22903	Richmond, VA 23241	Petersburg, VA 23805
434-296-8851 (V)	804-648-1012 (V)	804-862-1100 (V)
434-296-5731 (F)	804-649-8794 (F)	804-861-4311 (F)



WALK IN POLICY

Due to the large number of intake telephone calls, Central Virginia Legal Aid Society (CVLAS) is able to do intakes for people who walk in only on a limited basis. If you walk in, CVLAS will do your intake only if you meet one of these five rules.

(1) You have an emergency. Not every legal case is an emergency. “Emergency” usually means one of these things.

(a) You have recent papers from a court, government agency or subsidized landlord that require a response within four (4) business days.

(b) You have a court or administrative hearing within four (4) business days.

(c) You have a legal deadline within four (4) business days.

(d) You have a lockout, a utility shutoff, or a self-help eviction that is done by someone other than the Sheriff.

(e) You have an upcoming foreclosure within ten (10) calendar days.

(2) You are a victim of domestic violence. This means a recent act or threat resulting in injury or reasonable fear of injury.

(3) You are elderly. This means you are 60 years of age or older.

(4) You are visibly physically disabled. This usually means you use a wheelchair, walker or cane, or have an impairment in sight, hearing or speech.

(5) You have come a long distance. This means you have come from some place other than Richmond, or the counties of Chesterfield, Hanover and Henrico.

If you do not meet one of these five rules, please call CVLAS Monday through Thursday between the hours of 9:00 a.m. & 11:30 a.m., or 1:00 p.m. & 2:30 p.m.

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(b) You have a court or administrative hearing within four (4) business days.

(c) You have a legal deadline within four (4) business days.

(d) You have a lockout, a utility shutoff, or a self-help eviction that is done by someone other than the Sheriff.

(e) You have an upcoming foreclosure within ten (10) calendar days.

(7) You are a victim of domestic violence. This means a recent act or threat resulting in injury or reasonable fear of injury.

(8) You are elderly. This means you are 60 years of age or older.

(9) You are visibly physically disabled. This usually means you use a wheelchair, walker or cane, or have an impairment in sight, hearing or speech.

(10) You have come a long distance. This means you have come from some place other than Petersburg, Colonial Heights, Hopewell or nearby Dinwiddie or Prince George County.

If you do not meet one of these five rules, please call CVLAS Monday through Thursday between the hours of 9:00 a.m. & 11:30 a.m., or 1:00 p.m. & 2:30 p.m.

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(11) You have an emergency. Not every legal case is an emergency. "Emergency" usually means one of these things.

(a) You have recent papers from a court, government agency or subsidized landlord that require a response within four (4) business days.

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(c) You have a legal deadline within four (4) business days.

(d) You have a lockout, a utility shutoff, or a self-help eviction that is done by someone other than the Sheriff.

(e) You have an upcoming foreclosure within ten (10) calendar days.

(12) You are a victim of domestic violence. This means a recent act or threat resulting in injury or reasonable fear of injury.

(13) You are elderly. This means you are 60 years of age or older.

(14) You are visibly physically disabled. This usually means you use a wheelchair, walker or cane, or have an impairment in sight, hearing or speech.

(15) You have come a long distance. This means you have come from some place other than Charlottesville or nearby Albemarle County.

If you do not meet one of these five rules, please call CVLAS Monday through Thursday between the hours of 9:00 a.m. & 11:30 a.m., or 1:00 p.m. & 2:30 p.m.

CENTRAL VIRGINIA LEGAL AID SOCIETY, INC. (effective 1/30/2007)

2007 federal poverty guidelines – 125 % of poverty – income eligible without deductions

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$245.43	\$1,063.54	\$12,762.50
2	\$329.09	\$1,426.04	\$17,112.50
3	\$412.74	\$1,788.54	\$21,462.50
4	\$496.39	\$2,151.04	\$25,812.50
5	\$580.05	\$2,513.54	\$30,162.50
6	\$663.70	\$2,876.04	\$34,512.50
7	\$747.36	\$3,238.54	\$38,862.50
8	\$831.01	\$3,601.04	\$43,212.50
each additional	+\$83.65	+ \$362.50	+ \$4,350.00

2007 federal poverty guidelines – 187½ % of poverty – income eligible only with deductions

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$ 368.15	\$1,595.31	\$19,143.75
2	\$ 493.63	\$2,139.06	\$25,668.75
3	\$ 619.11	\$2,682.81	\$32,193.75
4	\$ 744.59	\$3,226.56	\$38,718.75
5	\$ 870.07	\$3,770.31	\$45,243.75
6	\$ 995.55	\$4,314.06	\$51,768.75
7	\$1,121.03	\$4,857.81	\$58,293.75
8	\$1,246.51	\$5,401.56	\$64,818.75
each additional	+ \$125.48	+ \$543.75	+ \$6,525.00

Income Deductions:

- 1) Back taxes – Regular payments on back taxes
- 2) Child care – Actual cost of employment-related child care
- 3) Child support – Amount currently paid by court order, wage assignment or voluntarily
- 4) Garnished wages – Amount currently being garnished
- 5) Medical expenses – Unreimbursed medical expenses, *e.g.* for hospitals, doctors, prescriptions
- 6) Transportation – Actual cost to & from work, *e.g.* gas, parking, tolls, bus tickets

Resource Eligibility:

- 1) Liquid – cash, checking, savings, CDs, stocks, bonds - \$2,000 for one, \$3,000 for more than 1
- 2) Non-liquid – Family residence and one motor vehicle do not count. Equity in additional homes and additional motor vehicles cannot exceed \$10,000 total

2007 federal poverty guidelines – 200 % of poverty – eligibility for victims of domestic violence (across entire service area) **without deductions**
(Eligible for advice, brief service, or extended service.)

<u>Household Size</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Yearly</u>
1	\$ 392.69	\$1,702.00	\$20,420.00
2	\$ 526.54	\$2,282.00	\$27,380.00
3	\$ 660.38	\$2,862.00	\$34,340.00
4	\$ 794.23	\$3,442.00	\$41,300.00
5	\$ 928.08	\$4,022.00	\$48,260.00
6	\$1,061.92	\$4,602.00	\$55,220.00
7	\$1,195.77	\$5,182.00	\$62,180.00
8	\$1,329.62	\$5,762.00	\$69,140.00
each additional	+ \$133.85	+ \$580.00	+ \$6,960.00

Eligibility for Senior Citizens (across entire service area):

- (a) Anyone 60 years of age or older is eligible for, at least, advice or brief service.
Advice or brief service does not include Wills, Powers of Attorney, Living Wills, Medical Powers of Attorney, or no-fault divorces.
- (b) Anyone 60 years of age or older, who is not eligible under LSC guidelines, will be an OAA client.
- (c) CVLAS may provide more than advice or brief service to OAA applicants only when ***all three*** of the following things are true:
 - (i) The applicant has \$4,000 or less in liquid assets, and
 - (ii) The applicant has \$15,000 or less in non-liquid assets, and
 - (iii) The applicant does not have reasonable access to a private attorney.

Eligibility for Evacuees from Hurricane Katrina (across entire service area):

- (a) No eligibility preclusion for advice or brief service.
- (b) Income eligible for extended service up to 200% of poverty.

Non-U.S. citizens (U.S.C.) must be in one of the following categories. Proof must be attached.

I. ☐ **Legal Permanent Resident (L.P.R.)**. Check box of proof provided:

- ☐ Alien Registration Receipt Card (a/k/a “green card”), or
- ☐ Temporary Evidence of Lawful Admission for Permanent Residence (Form I-1618), or
- ☐ Valid Passport and Legal Permanent Residency Visa.

II. **Married** to a U.S.C., or is a **parent** of a U.S.C. under the age of 21, or is an unmarried **child** under the age of 21 of a U.S.C. and has filed an “Application for Adjustment of Status to Legal Permanent Resident” and the application has not been rejected. Check and copy one from A and one from B:

- A. ☐ Proof from U.S.C.I.S. that Application for Adjustment of Status (Form I-485) was filed (can be a letter stating that either the application or the fee for I-485 was received), or
- ☐ Copy of Application for Adjustment of Status (Form I-485) accompanied by a notarized statement, signed by the person, that such a form was filed with U.S.C.I.S.,
- ☐ Copy of the Application for Immigrant Visa and Alien Registration (Department of State Form FS-510) accompanied by a notarized statement, signed by the person, that such a form was filed with U.S.C.I.S, or
- ☐ Copy of a Suspension of Deportation (Form I-256A) accompanied by a notarized statement, signed by the person, that such a form was filed with U.S.C.I.S.
- B. ☐ Copy of applicant’s marriage certificate accompanied by proof that spouse is U.S.C., or
- ☐ Copy of the U.S. birth certificate, baptismal certificate, adoption decree or other documents demonstrating that the applicant is the parent of a U.S.C. under age 21, or
- ☐ Copy of the U.S. birth certificate, baptismal certificate, adoption decree, naturalization record or other documents demonstrating that the applicant is the child under age 21 of a U.S.C., or
- ☐ Copy of the Petition for Alien Relative (Form I-130) containing information which demonstrates that person is related to a U.S.C. spouse, parent, or child, accompanied by a notarized statement that the form was filed.

III. Lawfully present in the U.S. under Section 207 (**Refugee**), Section 208 (**Asylee**) or Section 203(a)(7) (**Conditional entrant** because of fear of persecution on account of race, religion or political opinion or because of being uprooted by catastrophic natural calamity). Required proof:

- ☐ Arrival-Departure Record (Form I-94) marked “Section 207” or “Refugee,” “Section 208” or “Asylum,” or “Section 203(a)(7) or “Conditional Entry.”

IV. Lawfully present in the U.S. as a result of **withholding of deportation** or suspension of removal pursuant to Section 243(h) of the Immigration and Nationality Act. Required proof:

- ☐ Arrival-Departure Record (Form I-94) marked “Section 245(h),” or a court order or letter signed by an immigration judge stating that the Attorney General is withholding deportation (or suspending removal) of the person.

V. Battered or subjected to extreme cruelty (**domestic violence**) or victim of sexual assault or trafficking in the U.S. or qualifying for relief under Section 101(a)(15)(U) of the Immigration and Nationality Act ("U" Visa). Check applicable box below. No legal proof of documented status required, only proof that the applicant is a victim of domestic abuse, sexual assault, trafficking or qualifies for a "U" Visa. The proof can take the form of a statement that the applicant is a victim of one of these crimes, or qualifies for "U" visa, signed by the applicant. Must meet one from A and one from B:

- A. ☐ Applicant is a victim of battery or extreme cruelty according to the following definition: "Includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence." 8 C.F.R. 204.2(c)(1)(vi).
 - ☐ Applicant is a victim of sexual assault or trafficking in the U.S.
 - ☐ Applicant qualifies for a "U" Visa: victim of severe forms of trafficking, including, but not limited to, State and local crimes such as kidnapping, rape, torture, incest, slavery other forced labor offenses, prostitution, abusive sexual contact, blackmail, felonious assault, witness tampering, extortion, murder, manslaughter, witness tampering, obstruction of justice, perjury, or attempt, conspiracy, or solicitation to commit any of the above crimes, of a person in the U.S. who is either under 18 years of age or a person over the age of 18 (or in the case of a victim under age 16, the or the victim, or the parent, guardian or next friend who has information concerning the crime) who is willing to assist in the investigation and/or prosecution of the case.
 - ☐ Applicant's child, without the active participation of the applicant, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the U.S., or qualifies for "U" visa.
- B. ☐ Applicant is seeking assistance necessary to assist the victim from an abusive situation or ameliorate the current effect of the abuse or protect against future abuse. The legal assistance includes, but is not limited to, obtaining civil protection order, divorce, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings, small claims cases, contempt actions.

VI. **H-2 Agricultural Worker.** Must meet one of each A and B.

- A. ☐ Applicant has proof (usually a foreign passport with a "H-2" or "1101(a)(15)(h)(ii)" Visa stamp on it) of being admitted as a nonimmigrant agricultural worker admitted under 8 U.S.C. 1101(a)(15)(h)(ii), commonly known as "H-2 worker" or "H-2 Visa holder."
- B. ☐ Applicant is seeking assistance in matters that arise under the specific work contract such as: wages, housing, transportation, and other employment rights under the contract of admission.

<u>Intake Routing (effective 1/22/2007)</u>	<u>Richmond</u>	<u>Petersburg</u>	<u>Charlottesville</u>
<u>Bankruptcy case</u>	Marty	Marty	Marty
<u>Garnishment / Levy case</u>	Marty	Marty	Lily
<u>Consumer case – car case (w/ or w/out court date)</u>	Marty	LAJC #	Victoria/Lily
<u>Consumer case w/ court date before hotline avail</u>	Emerg Atty	Emerg Atty	Lily
<u>Consumer case w/ court date after hotline avail</u>	Hotline	Hotline	Lily
<u>Consumer case without court date</u>	Hotline	Hotline	Victoria/Lily/PAI
<u>Education case</u>	LAJC #	LAJC #	LAJC
<u>Employment case (including unemployment comp)</u>	Marty	Marty	LAJC
<u>Uncontested no-fault divorce case</u>	Kathy/PAI	Kathy/PAI	Kathy/PAI
<u>Domestic violence case</u>	Anne/Marilynn	Michelle/Sarah	See Note #1 Rock House
<u>Interstate family law case</u>	Marty	Marty	Marty
<u>Family law case w/ court date before hotline avail</u>	Emerg Atty	Emerg Atty	Lily/Robin
<u>Family law case w/ court date after hotline avail</u>	Hotline	Hotline	Lily/Robin
<u>Family law case without court date</u>	Hotline	Hotline	Victoria/PAI
<u>Housing case (public housing run by PHA)</u>	LAJC #	See Note #2 LAJC #	LAJC
<u>Housing case – foreclosure</u>	Henry/Emerg Atty	Henry/E.A.	Henry/E.A.
<u>Housing case – all others</u>	Marty	Marty	Lily
<u>Public benefits – all</u>	Freddie	Freddie	LAJC
<u>Elder law – Wills</u>	Natasha/PAI	Crater	Charo/PAI
<u>Elder law – POAs & Advance Directives</u>	Marty	Crater	Charo/PAI
<u>Elder law – all others</u>	Freddie	Freddie	See Note #3 LAJC or Lily

Notes:

(1) Routing for “**Domestic Violence intakes**” for the **Charlottesville** area is as follows:

- (a) First time DV applicants where the DV took place in City of Charlottesville or Albemarle, Fluvanna or Greene Counties will be given the phone number for the Hunton & Williams *Pro Bono* Partnership Office in Charlottesville (434-220-3111) and advised to contact them.
- (b) First time DV applicants where the DV took place in Louisa or Nelson County will have an intake done and be reviewed by Robin or Lily. E-mail both Robin and Lily with the client’s name and case number.
- (c) Second time DV applicants where the DV took place in City of Charlottesville or Albemarle, Fluvanna or Greene Counties will have an intake done and be reviewed by Robin or Lily. A second time DV applicant means the person already has contacted the Rock House and been denied representation. E-mail both Robin and Lily with the client’s name and case number.

(2) In the **Petersburg** area, applicants who live in conventional public housing run by a Public Housing Authority (PHA) or whose adverse party is **Hudson Properties** will be given the phone number for LAJC - Petersburg (804-862-2205) and advised to contact them.

(3) Routing for “**Elder Law intakes - all others**” for the **Charlottesville** area is as follows:

- (a) Applicants with: (i) nursing home emergencies (such as quality of care issues, threatened nursing home discharge, or questions about resident rights or family member rights), (ii) denials or terminations of Medicaid, (iii) abuse or neglect of those 60 or older, or (iv) lawsuits by nursing homes against residents or family members will have an intake done and referred to LAJC - Charlottesville. The intake will be closed as rejected by referral to LAJC and will not be reviewed by any CVLAS attorney. CVLAS will rely on LAJC to provide legal assistance to these applicants to the extent possible.
- (b) Applicants with other Elder Law issues will have an intake done and be reviewed by Lily. E-mail Lily with the client’s name and case number.

(4) For intakes marked “**LAJC #**,” the applicant will be given the phone number for the appropriate LAJC office (804-643-1086 – Richmond or 804-862-2205 – Petersburg) and advised to contact them.

(5) For intakes marked “**LAJC**,” the intake will be done and referred to the appropriate office of LAJC. The intake will be closed as rejected by referral to LAJC and will not include any review by a CVLAS attorney. CVLAS will rely on LAJC to provide legal assistance to those applicants to the extent appropriate.

- (6) For intakes marked “**Crater**,” the applicant will be provided the phone number for the Crater Area Agency on Aging (804-732-7020), and will be advised to contact them.
- (7) **Spanish** speaking intakes go first to Charo, and then to Marina if Charo is not available, except if it is a domestic violence intake from Richmond or Petersburg, in which case it goes to Marina, who will get assistance from Anne.
- (8) **Non U.S. citizens** who do not qualify for CVLAS services will be provided the phone number for the appropriate LAJC office (804-643-1086 – Richmond or 804-862-2205 – Petersburg or 434-977-0553 – Charlottesville) and advised to contact them.

CVLAS can only provide services to non-U.S. citizens who:

- (a) Have permanent resident status (have a green card).
 - (b) Have a Work VISA.
 - (c) Are married to U.S. citizen or parent of U.S. citizen or unmarried, under age 21 & child of U.S. citizen, and applied for permanent resident status & not been rejected.
 - (d) Were admitted as a refugee, granted asylum, or granted withholding from a deportation order.
 - (e) Applicant or applicant’s child has been battered or subjected to extreme cruelty in the U.S. **and** applicant is seeking assistance necessary to assist the victim from an abusive situation or ameliorate the current effect of the abuse or protect against future abuse. The legal assistance includes, but is not limited to, obtaining civil protection order, divorce, child custody, child and spousal support, housing, public benefits, employment, abuse/neglect, juvenile proceedings, small claims cases, contempt actions.
- (9) **Emergency** intakes continue to go to the Emergency Attorney of the day.

CVLAS NOTICE OF CLIENT GRIEVANCE PROCEDURE

If you have a complaint: (1) about a denial of assistance from Central Virginia Legal Aid Society (CVLAS) – such as a denial due to financial ineligibility, regulations or priorities; or (2) about the manner or quality of legal assistance received from CVLAS, you may file a grievance.

You may make a complaint to the Executive Director of CVLAS. Your complaint should be made in writing, and addressed or faxed to: Executive Director, Central Virginia Legal Aid Society, P.O. Box 12206, Richmond, VA. 23241, (fax) 804-649-8794. Your complaint should have your name, address and phone number, and should be signed and dated. Your complaint should explain why you believe you were improperly denied service, or why you are dissatisfied with the manner or quality of legal assistance received.

If you have a complaint about a denial of assistance from CVLAS, you will be given a chance to confer with the Executive Director, who promptly will review your complaint and take appropriate action as needed. If you have a complaint about the manner or quality of legal assistance received from CVLAS, your complaint will be considered by the Executive Director, who promptly will review your complaint and take appropriate action as needed.

If the action of the Executive Director does not satisfy your complaint, you may make a complaint to the Grievance Committee of CVLAS. The Grievance Committee is made up of lawyers and client members of the Board of Directors of CVLAS. Your complaint should be made in writing, and addressed or faxed to: Grievance Committee, Central Virginia Legal Aid Society, P.O. Box 12206, Richmond, VA. 23241, (fax) 804-649-8794. Your complaint should have your name, address and phone number, and should be signed and dated. Your complaint should explain why you believe you were improperly denied service or why you are dissatisfied with the manner or quality of legal assistance received, and why the action of the Executive Director did not satisfy your complaint.

The Grievance Committee will provide you with a chance for a prompt hearing before the Committee. At the hearing, you may be accompanied by another person, and submit oral and written statements. At the hearing, you make a short oral statement that CVLAS will type and put in CVLAS's complaint file, pursuant to 45 C.F.R. §1621.3(b)(3). The Grievance Committee will review your complaint and take appropriate action as needed.

If the action of the Grievance Committee does not satisfy your complaint, you may make a complaint to the Legal Services Corporation, 3333 K Street, N.W., Washington, D.C. 20007.